

### **REMARKS**

Claims 12-19 and 38 are currently pending.

Claims 12 and 38 have been amended. Support for the amendments can be found in the specification, e.g., in paragraphs 2 (lines 1-4), 7-9, 30 and 89. No new matter has been added.

### **Rejections Under 35 U.S.C. § 112**

Claims 12-19 and 38 are rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite and failing to particularly point out and distinctly claim the invention.

Applicants respectfully disagree. However, in order to further prosecution, Applicants have amended the claims to include the Examiner's suggested language.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection under §112, second paragraph.

Claims 12-19 and 38 are rejected under 35 U.S.C. §112, first paragraph for allegedly lacking enablement. Applicants respectfully disagree. However, in order to further prosecution, Applicants have amended the claims to include additional language describing the claimed genus of sequences.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection under §112, first paragraph.

### **Conclusion**

It is believed that the claims now pending are in condition for allowance. Favorable action by the Examiner is earnestly requested.

**Authorization**

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to deposit account 13-2755.

Respectfully submitted,

Dated: September 29, 2009 By: /Melissa B. Wenk Reg. No. 53,759/  
Melissa B. Wenk  
Reg. No. 53,759  
Attorney for Applicants

Correspondence Address:  
Merck & Co., Inc.  
P.O. Box 2000  
Rahway, NJ 07065-0907  
(732) 594-2756 Telephone  
(732) 594-7790 Facsimile